

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION

WASHINGTON, DC

ORDER NO. 3553

IN THE MATTER OF:

Served September 14, 1990

Application of ROSETTA D. MURRAY)
Trading as MURRAY'S NON-EMERGENCY)
TRANSPORT SERVICE for an Expanded)
Certificate No. 63 -- Charter and)
Special Operations)

Case No. AP-90-41

Application of ROSETTA D. MURRAY)
Trading as MURRAY'S NON-EMERGENCY)
TRANSPORT SERVICE to Transfer)
Certificate No. 63 to MURRAY'S)
TRANSPORTATION SERVICE, INC.)

Case No. AP-90-42

By application filed September 7, 1990, in Case No. AP-90-41, Rosetta D. Murray trading as Murray's Non-Emergency Transport Service (Ms. Murray or applicant) seeks an expanded Certificate of Public Convenience and Necessity No. 63 to transport passengers in (1) special operations, round-trip or one-way, between health care facilities in the Metropolitan District, on the one hand, and, on the other, points in the Metropolitan District, restricted to participants in the District of Columbia Medicaid program, and (2) charter operations between points in the Metropolitan District. Applicant proposes to transport mail, express, and baggage in the same vehicle with passengers. To the extent this application could be interpreted to include transportation solely within the Commonwealth of Virginia, it is hereby dismissed pursuant to the Compact, Title II, Article XII, Section 1(b).

Ms. Murray proposes the following rates for these services:

Medicaid

One way trip

inside Capital Beltway. \$25.00
to points outside Capital Beltway75 per
loaded mile

Round trip

between points inside Capital Beltway . . \$35.00
To points outside Capital Beltway75 per
loaded mile

Cancellation charge. \$ 7.50

Additional manpower (when required). \$ 5.00 each way

Waiting time (when requested by client). . . \$ 5.00 each 15
minute period

Under the above tariffs, parking fees and/or tolls incurred will be charged to the client.

Charter Services
Hourly Rates

Group I
14 passengers or less \$30.00 per hour
minimum 3 hours

Group II
15-20 passengers. \$40.00 per hour
minimum 3 hours

Group III
21-49 passengers. \$42.50 per hour
minimum 3 hours

Travel time
To and from garage the rate shall be one hour each way
or the actual travel time in 15 minute increments,
whichever is greater.

Cancellation fee - \$30 for cancellation notice of less
than one hour before the trip

Under the above tariffs, parking fees and/or tolls incurred will be charged to the client.

Applicant submitted an equipment list showing eight vans seating a combination of wheelchair and ambulatory passengers, and an additional seven vehicles seating 20 passengers each. All vehicles are owned by applicant except for four of the larger vehicles, which are leased.

Ms. Murray currently holds Certificate of Public Convenience and Necessity No. 63, authorizing the following transportation:

IRREGULAR ROUTES:

SPECIAL OPERATIONS, limited to transportation-
disadvantaged persons and their attendants between
points within the Metropolitan District.

RESTRICTED against the transportation of
participants in the District of Columbia
Department of Human Resources Medicaid Program.

RESTRICTED to the performance of such operations in vehicles with a manufacturer's designed seating capacity of fifteen passengers or less, excluding the driver, with each vehicle containing at least two wheelchair tie-downs.

In addition, applicant currently holds four separate Special Authorizations issued pursuant to WMATC Special Certificate of Public Convenience and Necessity No. 1, each authorizing transportation pursuant to a specific contract with a government agency.

In support of the application, Ms. Murray submitted a statement of financial condition as of March 31, 1990, and a projected operating statement for the 12 months ending March 31, 1991.

By application filed September 7, 1990, in Case No. AP-90-42, Ms. Murray seeks authority to transfer Certificate No. 63 to Murray's Transportation Service, Inc. (Murray's, Inc.), a District of Columbia corporation owned by Ms. Murray. The application purports to include transferee Murray's, Inc.'s, statement of financial condition and operating statement. However, it is evident from the financial data filed in Case No. AP-90-41 that these are the financial statements of transferor Ms. Murray. We will direct the filing of financial data for transferee Murray's, Inc.

Pursuant to the Compact, Title II, Article XII, Section 4(b), Case No. AP-90-41 will be scheduled for public hearing to determine if applicant is fit, willing, and able to perform the proposed service properly and comply with the Compact and the Commission's rules and regulations and to determine whether the public convenience and necessity require the proposed service. In Case No. AP-90-42 the standard for approval of a transfer pursuant to the Compact, Title II, Article XII, Section 4(h) is consistency with the public interest, which concept, among other things, would include -- in these circumstances -- not only the fitness of Murray's, Inc., to receive a transfer of existing Certificate No. 63 but also the expanded Certificate No. 63 that could result from Case No. AP-90-41.

Accordingly, these two applications will be consolidated for public hearing. Applicant will be assessed an amount preliminarily estimated to cover the costs of hearing pursuant to the Compact, Title II, Article XII, Section 19. In addition, Ms. Murray and Murray's, Inc., will be directed to file jointly (1) a detailed current actual balance sheet of Murray's, Inc., and (2) a detailed proposed balance sheets of Murray's, Inc., projected just prior to commencement of operations by Murray's, Inc., assuming that case Nos. AP-90-41 and AP-90-42 will be granted, and specifying those assets proposed to be transferred to the corporation, and (3) a projected annual operating statement for Murray's, Inc.

THEREFORE, IT IS ORDERED:

1. That a public hearing in Case Nos. AP-90-41 and AP-90-42 is hereby scheduled to commence Thursday, November 8, 1990, at 10:00 a.m. in the Hearing Room of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104.

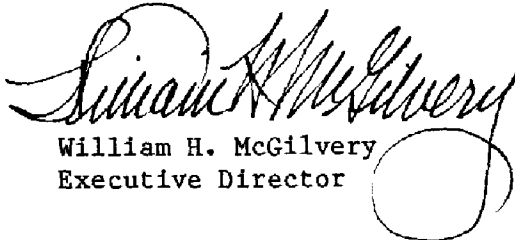
2. That Rosetta D. Murray trading as Murray's Non-Emergency Transport Service shall publish once in a newspaper of general circulation in the Metropolitan District, and shall post continuously and conspicuously in each of her revenue vehicles through the date of public hearing, notice of these applications and the hearing thereon in the form prescribed by the staff of the Commission, no later than Sunday, October 14, 1990, and shall present at hearing affidavits of such publication and posting.

3. That any person wanting to protest either of these applications shall do so in accordance with Commission Rule No. 14, and any person wanting to be heard on either of these matters shall so notify the Commission, in writing, no later than Monday, October 29, 1990, and shall simultaneously serve a copy of such protest(s) or notice(s) on applicant's attorney, Vernon A. Williams, Esquire, 2041 Martin Luther King Jr. Avenue, S.E., Suite 301, Washington, DC 20020.

4. That Rosetta D. Murray trading as Murray's Non-Emergency Transport Service is hereby assessed \$350 pursuant to the Compact, Title II, Article XII, Section 19, and is directed to deliver said amount to the office of the Commission, 1828 L Street, N.W., Suite 703, Washington, DC 20036-5104, no later than Monday, October 29, 1990.

5. That Rosetta D. Murray trading as Murray's Non-Emergency Transport Service and Murray's Transportation Service, Inc., are hereby directed jointly to file with the Commission, no later than Monday, October 29, 1990, an original and four copies of the financial data as discussed in the text of this order.

FOR THE COMMISSION:


William H. McGilvery
Executive Director